

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALFRED MCZEAL, JR. and
PEDRO URBAN,
Plaintiffs

No. 3:24cv1395

(Judge Munley)

v.

CIERRA RAY; CIERRA RAY as Sole
Member of Luxe II Realty Holdings,
LLC; LUXE II REATLY HOLDINGS,
LLC; PAUL J. LABELLE; PAUL
J. LABELLE & ASSOCIATES, LLC;
and DOES 1 THRU 10;
Defendants

ORDER

AND NOW, to wit, this 29th day of October 2024, before the court for disposition is Magistrate Judge Susan E. Schwab's report and recommendation, ("R&R"), which proposes the dismissal of plaintiffs' complaint for failure to pay the filing fee or file a completed application for leave to proceed *in forma pauperis*. No objections to the R&R have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the R&R, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of

the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. It is hereby **ORDERED** as follows:

- 1) The Magistrate Judge Schwab's report and recommendation (Doc. 7) is **ADOPTED**;
- 2) The plaintiffs' complaint (Doc. 1) is **DISMISSED** without prejudice; and
- 3) The Clerk of Court is directed to close this case.

BY THE COURT:


JUDGE JULIA K. MUNLEY
United States District Court